

**BEST AVAILABLE COPY****Supplemental Amendment and Response**

Serial No.: 09/696,635

Confirmation No.: 4398

Filed: 25 October 2005

For: FRUIT, VEGETABLES, AND SEED DISINFECTANTS

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**Remarks**

The Office Action mailed 18 January 2006 and the Advisory Action mailed 5 May 2006 have been received and reviewed. Claim 41 having been amended, and claims 55-57 having been added, the pending claims are claims 33-37, 39-45, and 52-57. Support for the amendments to the claims can be found in the specification as filed, for example, at page 6, lines 15-24. Reconsideration and withdrawal of the rejections are respectfully requested.

Applicants respectfully request that the previous Amendment and Response Under 37 C.F.R. §1.116 which was filed on 13 April 2006 be entered as requested on the Request for Continued Examination (RCE) Transmittal. Also, please consider the amendments and remarks presented herein. Reconsideration and withdrawal of the rejections are respectfully requested.

It is respectfully submitted that the cited documents do not teach or suggest the invention as recited in the currently pending claims.

“When applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.” M.P.E.P. 2141 (citations omitted, emphasis added).

Applicants respectfully submit that the obviousness rejections can only occur by the impermissible use of hindsight reasoning. Furthermore, Applicants respectfully submit that the Examiner is picking and choosing from each of these documents, without considering them in their entirety.

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**Summary**

It is respectfully submitted that the pending claims 33-37, 39-45, and 52-57 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted  
By  
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May 11, 2006

Date

By: Ann M. Mueting  
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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11<sup>th</sup> day of May, 2006, at 12:56 p.m. (Central Time).

By: Daniel Gantner-Gebhardt  
Name: Daniel Gantner-Gebhardt